

REMARKS

The application has been reviewed in light of the Office Action dated September 15, 2003. Claims 1, 4 and 5 are pending, with Claims 1 and 5 being independent. Claim 3 has been cancelled without prejudice. Claims 1 and 5 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent 4,354,655 to Hengst ("Hengst"). Claims 3-4 stand rejected under 35 U.S.C. §103(a) as unpatentable over Hengst in view of U.S. Patent 5,118,233 to Mitchell ("Mitchell"). It is respectfully requested that the above-listed rejections be withdrawn in view of the preceding amendment, the following discussion and the contents of the telephone interview between the Examiner and the undersigned, which are briefly summarized immediately below.

During the interview, the subject of lateral displacement of the washer was discussed. The Examiner agreed with the argument advanced by undersigned that the cited references do not disclose a structure, in which the washer moves laterally within a channel of a rail.

Claims 1 and 5 have been rejected under 35 U.S.C. §102(b) as being anticipated by Hengst. Claim 1 has been amended to recite a washer displaceable within a U-shaped channel along "mutually perpendicular longitudinal and lateral directions." In contrast, Hengst discloses a washer provided with an outer surface, which engages a pair of inwardly locking lips of a rail to prevent lateral displacement of the washer within the channel of the rail. Consequently, Hengst does not disclose each and every element of the structure as claimed and is not anticipatory of Claim 1.

Claim 5, like Claim 1, has been amended to recite that the washer is displaceable in mutually perpendicular longitudinal and lateral directions. In addition, Claim 5 has been further amended to recite a coil spring surrounding a head of a bolt. Hengst does not show a structure, as recited in amended Claim 5 and is therefore not anticipatory.

It is respectfully requested that the rejection under 35 U.S.C. §102(b) be withdrawn.

The Examiner has rejected Claims 3-4 under 35 U.S.C. §103(a) as being unpatentable over Hengst in view of Mitchell. Claim 3 has been cancelled without prejudice and its subject matter, reciting the washer moving longitudinally and laterally has been incorporated in each of independent Claims 1 and 5. Accordingly, since Mitchell does not provide any incentive for modifying Hengst so that the washer of Hengst would be able to move laterally, as now recited in Claims 1 and 5, both independent Claims 1 and 5 are believed to be patentable over the cited combination.

While Claim 4 remains intact depending from Claim 1 and is patentable over the cited references at least for the same reasons as Claim 1, its subject matter has been partially incorporated in Claim 5, removing the latter even further from the cited prior art.

Therefore, it is believed that Claims 1, 4 and 5 should be allowed.

Please note that no new issue has been introduced by amending Claims 1 and 5, as discussed above, since all of the limitations were previously recited in now cancelled Claim 3 and still pending Claim 4. Therefore, it is respectfully requested that the Claims 1, 4 and 5 be considered on the merits.

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1, 4 and 5 are in condition for allowance. Early and favorable reconsideration is respectfully requested. Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, she is respectfully requested to contact applicants' attorney at the number indicated below.

Respectfully submitted,



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